

Section 14

APPENDIX 4 – PARTICIPANT ACCESS

Participant Access

Federal regulations require that the Department ensure that all WIC participants have adequate access to purchase their WIC food items. By ensuring adequate access to authorized Vendors, the Department assists WIC participants in meeting their nutritional goals and needs.

Authorization:

The Department shall not authorize a new for-profit applicant that is expected to derive more than 50-percent of its annual food sales revenue from WIC food instruments, unless that applicant is necessary to ensure participant access to program benefits.

Termination and Disqualification:

Prior to terminating or disqualifying a Vendor from participation in the WIC Program, the Department shall consider the adequacy of access by participants to authorized WIC Vendors.

The Department shall determine participant access is adequate when:

1. There is at least one authorized Vendor within a one-mile radius of the Vendor being disqualified; and
2. The Department considered but did not find any geographic barriers for participants to access another authorized Vendor. Geographic barriers include, but are not limited to mountains, rivers, lakes, washes and highways with limited access for crossing by vehicle or by foot.

Prior to taking disqualification action, the Department shall document its participant access determination in the Vendor's file.

If the Department, in its sole discretion, determines that disqualification of a Vendor would result in inadequate participant access, the Department shall impose a civil money penalty in lieu of disqualification, except when prohibited by 7 CFR §246.12.